

### **REMARKS**

This responds to the Office Action dated September 14, 2005, and the references cited therewith.

Claims 8 and 24 are amended; as a result, claims 1, 3-19, 21- 31 and 34 are now pending in this application.

#### **Claim Objections**

Claims 8 and 24 were objected to because of informalities. Claims 8 and 24 have been amended and are now dependent upon the correct claims.

#### **§103 Rejection of the Claims**

Claims 1, 3-19, 21-31 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Conklin (U.S. 6,141,653) in view of eBay (published on 11/10/1999 via Wayback Machine archive).

Applicants respectfully submit that the Office Action does not make out a *prima facie* case of obviousness for at least the reasons that Conklin and the WayBack Machine eBay screen shots fail teach or suggest every element of each of the independent claims, as contended in the Office Action and the eBay screenshot relied upon in the OA is not prior art.

The Office Action (OA), at pages 3 and 4 states:

Conklin does not disclose the steps of:

- Specifying a single feed back interface facilitating user input feedback information for each of the at least first and second of the plurality of transactions; and
- Receiving at the network-based transaction facility, the feedback ' information provided by the first user through the single feedback interface, for each of at least the first and second transactions, the feedback information being received via the communications network.

EBay is a screen shot, via the Wayback Machine, of the EBay website, a popular Internet auction facilitator at the time of invention. The document outlines the feedback procedures of EBay concerning transactions of its users. As outlined on the page a user can 'see a list of all the sales and purchases you need to leave

feedback for. The page also discloses that a user can view the feedback given to other users, which means that the network based transaction facility has received feedback information provided by other users.

It would have been obvious to someone skilled in the ordinary art to include the teachings of EBay to the disclosure of Conklin so that a future user will have information regarding the past transactions of potential counterparties to a transaction. The user can then determine if the potential counterparty is a reputable user of the system or if prior users have had problems with them in previous transactions.  
(emphasis added)

As emphasized above by underline, the OA relies on a screen shot allegedly disclosing, “As outlined on the page a user can ‘see a list of all the sales and purchases you need to leave feedback for.’ The page also discloses that a user can view the feedback given to other users, which means that the network based transaction facility has received feedback information provided by other users.” However, a closer inspection of this screen shot titled in the top left corner, “How do I leave feedback” is not a screen shot from the WayBack Machine (www.archive.org) but a screen shot from the current eBay website. This fact is clearly shown and illustrated by the network path at the bottom of the cited reference pages (screenshots) and the copyright notice including the relevant years. The two pages cited that are from the WayBack Machine, titled “The Feedback Forum,” clearly show the web.archive domain and path (see bottom of each page) in addition to a copyright notice including the years 1995 to 1999. However, the page including the screen shot relied upon and quoted by the OA has a current eBay domain and path and the copyright notice clearly includes the years 1995 to 2005.

Because the screen shots titled “The Feedback Forum” obtained from the WayBack Machine do not disclose any of the limitations of claim 1 including, “specifying a single feedback interface facilitating user input of feedback information for each of the at least first and second transactions of the plurality of transactions; and receiving at the network-based transaction facility, the feedback information provided by the first user through the single feedback interface, for each of at least the first and second transactions, the feedback information being received via the communications network,” and the screen shot titled, “How do I leave feedback,” is not prior art, claim 1 is patentable over the cited references.

Therefore, for at least these reasons, claim 1 and all claims dependent therefrom are

patentable over Conklin in view of the eBay screenshots. Because independent claims 18, 30, 31 and 34 have substantially the same limitations as claim 1, the same arguments that applied to claim 1 are also applicable to these independent claims and their associated dependent claims.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DANIELE LEVY ET AL.

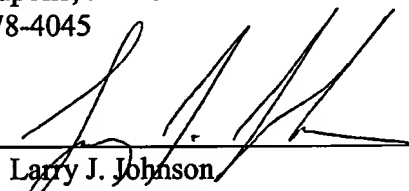
By their Representatives,

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Date

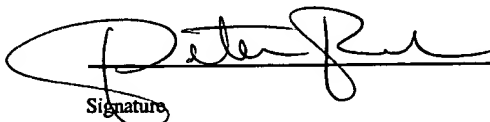
1/17/2006

By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of January, 2006.

Peter Rebuffeni  
Name

  
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